WULFSBERG REESE COLVIG & FIRSTMAN
PROFESSIONAL CORPORATION
H. James Wulfsberg - 046192
Mark A. Stump - 104942
Richard E. Elder - 205389
Kaiser Center
300 Lakeside Drive, 24th Floor
Oakland, CA 94612-3524
Telephone: (510) 835-9100
Facsimile: (510) 451-2170

Attorneys for Defendant
BLACK & VEATCH CORPORATION

LAW OFFICES
WULFSBERG REESE COLVIG & FIRSTMAN
PROFESSIONAL CORPORATION
KAISER CENTER
300 LAKESIDE DRIVE, 24TH FLOOR
OAKLAND, CALIFORNIA 94612-3524
TELEPHONE (510) 835-9100

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SAIGUT S.A. de C.V., a Mexican corporation; and SAIPEM S.A., a French corporation,

Plaintiffs,

v.

SEMPRA ENERGY, a California corporation; SEMPRA LNG, a Delaware corporation; ENERGIA COSTA AZUL, S. de R.L. de C.V., a Mexican corporation; BVT LNG COSTA AZUL, S. de R.L. de C.V., a Mexican corporation; COSTA AZUL BMVT, S.A. de C.V., a Mexican corporation; BLACK & VEATCH CORPORATION , a Delaware corporation; TECHINT S.A. de C.V., a Mexican corporation; THE KLEINFELDER GROUP, INC., a California corporation; ARUP NORTH AMERICA LIMITED, a United Kingdom corporation; ARUP TEXAS, INC., a Texas corporation; WHESSOE OIL & GAS LIMITED, a United Kingdom corporation; Q & S ENGINEERING, INC., a California corporation; and DOES 1 through 20, inclusive

Defendants.

No. 08 CV 0478 JM BLM

EX PARTE APPLICATION TO EXTEND THE TIME FOR DEFENDANT BLACK & VEATCH CORPORATION TO RESPOND TO THE COMPLAINT BASED ON THE COURT'S APRIL 9, 2008 ORDER TO SHOW CAUSE

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that Defendant Black & Veatch Corporation ("Black & Veatch") hereby applies *ex parte* for an order extending the time in which it must respond to the Complaint until 21 days after the Court's ruling on the pending Order to Show Cause Why Complaint Should Not Be Dismissed for Lack of Subject Matter Jurisdiction ("OSC"). This Motion is made pursuant to Southern District Local Rule 12.1 and should be granted for at least six reasons:

1. The plain intent of the OSC is to allow the Court to determine whether it has subject matter jurisdiction over this case before the parties or the Court commit resources to litigating it.
2. Black & Veatch's responsive pleading – which will consist of a motion to dismiss under Rule 12 – is currently due on May 8, 2008.
3. The OSC will not be fully briefed until May 2, 2008.
4. If left unchanged, the current deadline for defendants' Rule 12 motion(s) guarantees that defendants will be forced to spend money briefing challenges to a Complaint in a case where there is, at a minimum, a substantial controversy about the Court's jurisdiction.
5. The current deadline raises the possibility that *plaintiffs* will have to prepare and file Rule 12 oppositions in support of the current Complaint, which will also likely be rendered moot by the Court's ruling on the OSC.
6. Black & Veatch has met and conferred with all parties that have appeared in the case to date; only plaintiffs have not agreed to a stipulated extension of Black & Veatch's time to file a Rule 12 motion.

This motion is based on this notice of motion and motion, the attached declaration of Richard Elder and supporting exhibits, all pleadings and papers on file in this action and such argument and evidence as may be presented at any hearing requested by the Court.

LAW OFFICES
WULFSBERG REESE COLVIG & FIRSTMAN
PROFESSIONAL CORPORATION
KAISER CENTER
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TELEPHONE (510) 835-9100

DATED: April 15, 2008

WULFSBERG REESE COLVIG & FIRSTMAN
PROFESSIONAL CORPORATION

By /s/ Richard E. Elder
RICHARD E. ELDER
Attorneys For Defendant
BLACK & VEATCH CORPORATION